

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al) ORDER
) GRANTING APPLICATION
) TO WITHDRAW EXHIBITS
) NOS. 2771, 2772, 2773,
) 2774, 2777, 2778, 2780,
) 2781 AND 2792 FOR
) IDENTIFICATION ONLY
) FROM THE FILES
) OF THE TRIBUNAL

ARAKI, Sadao, et al

This matter coming on to be heard this 30th day of April, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of Alfred W. Brooks, one of counsel for the Defense, for leave to withdraw from the files of the Tribunal certain documents, to wit: Exhibits Nos. 2771, 2772, 2773, 2774, 2777, 2778, 2780, 2781 and 2792, all for Identification Only, said documents being fully described in the application which is Paper Nos. 1698, for the purpose of returning the same to the Japanese Foreign Office, the source from which they were obtained, and the Tribunal having heard the statements and arguments of counsel for said Accused in support of said application, and the Prosecution having interposed no objection thereto, and

It appearing to the Tribunal that said Exhibits Nos. 2771, 2772, 2773, 2774, 2777, 2778, 2780, 2781 and 2792 were offered and marked for Identification Only and have served their purpose, and that no substantial injustice will result to either the Prosecution, the Accused, or any of them, by the withdrawal of said documents and the return thereof to the source from which they were obtained; and

It further appearing to the Tribunal that excerpts from said Exhibits Nos. 2771, 2772, 2773, 2774, 2777, 2778, 2780, 2781, and 2792 for Identification Only were offered and admitted in evidence as Exhibits Nos. 2771-A, 2771-B, 2771-C 2772-A, 2773-A, 2774-A, 2774-B, 2777-A, 2777-B, 2778-A, 2780-A, 2780-B, 2780-C, 2781-A, 2792-A, 2792-B and 2792-C, it is

ORDERED: That said application for the withdrawal of Exhibits Nos. 2771, 2772, 2773, 2774, 2777, 2778, 2780, 2781 and 2792 for Identification Only be and it hereby is granted and that said Exhibits Nos. 2771, 2772, 2773, 2774, 2777, 2778, 2780, 2781 and 2792 for Identification Only be withdrawn from the files of the Tribunal forthwith and delivered by the Clerk of the Tribunal to counsel for the Accused OKAWA, to be returned by said counsel to the source from which they were obtained, upon the express term and condition, however, that said documents be returned to the Clerk of the Tribunal immediately upon notice being given that they are required by the Tribunal, the Prosecution or the Defense for the purposes of this trial; and it is further

ORDERED: That Exhibits Nos. 2771-A, 2771-B, 2771-C, 2772-A, 2773-A, 2774-A, 2774-B, 2777-A, 2777-B, 2778-A, 2780-A, 2780-B, 2780-C, 2781-A, 2792-A, 2792-B, 2792-C, which have been admitted and are in evidence in this case shall remain in the files of the Tribunal and their status shall in no way be affected by this order.

BY THE TRIBUNAL:

(signed) W. F. Wobb
PRESIDENT

LEF. DOC. #51.

AGREEMENT EFFECTED BY EXCHANGE OF NOTES CANCELING
THE ISHII-LANSING AGREEMENT OF NOVEMBER 2, 1917.

From the Japanese Ambassador to the Secretary of State.

Japanese Embassy,
Washington,

April 14, 1923.

Sir:

I have the honor to acknowledge the receipt of your note of to-day's date, communicating to me your understanding of the views developed by the discussions which you have recently had with this Embassy in reference to the status of the Ishii-Lansing exchange of notes of November 2, 1917.

I am happy to be able to confirm to you, under instructions from my Government, your understanding of the views thus developed, as set forth in the following terms:

The discussions between the two Governments have disclosed an identity of views and, in the light of the understandings arrived at by the Washington Conference on the Limitation of Armament, the Japanese and American Governments are agreed to consider the Ishii-Lansing correspondence of November 2, 1917, as cancelled and of no further force of effect.

Accept, Sir, etc., etc., etc.

(Signed) M. HANJHARA.

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DEF. DOC. #51.

AGREEMENT EFFECTED BY EXCHANGE OF NOTES CANCELING
THE ISHII-LANSING AGREEMENT OF NOVEMBER 2, 1917.

From the Secretary of State to the Japanese Ambassador.

Department of State,

Washington,

April 14, 1923.

Excellency:

I have the honor to communicate to your Excellency my understanding of the views developed by the discussions which I have recently had with your Embassy in reference to the status of the Lansing-Ishii exchange of notes of November 2, 1917.

The discussions between the two Governments have disclosed an identity of views and, in the light of the understandings arrived at by the Washington Conference on the Limitation of Armament, the American and Japanese Governments are agreed to consider the Lansing-Ishii correspondence of November 2, 1917, as cancelled and of no further force of effect.

I shall be glad to have your confirmation of the accord that is reached.

Accept, Excellency, etc., etc., etc.

(Signed) CHARLES E. HUGHES.

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DFF. DOC. #51.

CERTIFICATE

Statement of Source and Authenticity

I, SHIMODA Takeso, Chief of the Archives, Section Japanese Foreign Office hereby certify that the document in English attached hereto consisting of 2 pages and entitled "AGREEMENT EFFECTED BY EXCHANGE OF NOTES CANCELLING THE ISHII: LANSING AGREEMENT OF NOVEMBER 2, 1917." is an exact and true copy of an official document of Japanese Foreign Office.

Signed at Tokyo on this
6th day of August, 1946

(Signed) T. SHIMODA
Signature of Official

Witness: (Signed) Nagaharu ODO

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石井「ランシング」交換公文ノ原案ニスル
日本交換公文

大正十二年四月十四日 華盛頓ニ於テ
同 年四月十六日 告 示

米國ニ諸卿ヨリ日本大使宛公文

以降於此上級植者千九百十七年十一月二日ノ「ランシング」石井交換
公文ノ地位ニシテ最近本官ト是大使館トノ間ニ行ハレタル面識ニ依リ達
成シタル見解ニ付本官ノ了解ヲ同下ニ通報スルノ光榮ヲ有シ候

日本政府ハ商社ノ結果見解ノ一致ヲ見タリ軍備制限ニ關スル華盛頓合
議ニ依リ到達セラレタル了解ニ儘ミ亞米利加合衆國及日本國政務ハ千
九百十七年十一月二日ノ「ランシング」石井交換公文ハ原案セラレ且

今後效力ナキモノト看做スコトニ合意ス
六官ハ右合意ニ對シ同下ノ確認ヲ得ムコトヲ茲々希望候
六官ハ右ニ同下ニ向テ交換チ委シ候
被 里

千九百二十三年四月十四日

華盛頓同省ニ於テ

テアールス、イー、ヒューズ

日本大仲ヨリ米國國務卿宛公文

以書翰致啟上傳陸考千九百十七年十一月二日ノ石井「ランシング」交換
公文ノ地位ニ關シ是近聞下ト本大使館トノ間ニ行ハレタル商談ニ依リ達
成シタル見解ニ付聞下ノ了解セラル所ヲ本口附書翰ヲ以テ御通報相成
勤勤承候

本使ハ故ニ大國政府ノ訓令ニ基キ右達成セラレタル見解ニ付左ニ記載ス
ル聞下ノ了知ヲ確認スルヲ得ルハ本使ノ欣幸トスル所ニ有之候
兩國政府ハ所請ノ結果見解ノ一致ヲ見タリ但佛制限ニ門スル華盛頓命
鈐ニ依リ却拂セテレタル了解ニ鑑ミ日本國及西米利加合衆國政府ハ千
九百十七年十一月二日ノ石井「ランシング」が拂公文ハ麻賽セラレ
今終始力ナキモノト看做ストニ合意ス

本使ハ故ニ聞下ニ向テ勘定ヲ表シ候 敬具

千九百二十三年四月十四日

蓋成相日本帝國大仲ヨリ於テ
原 印 直